

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:
GSK SETTLEMENT

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO
RESPOND TO KENT WILLIAMS' MOTION FOR COURT REVIEW OF LEAD
COUNSEL'S ALLOCATION OF GSK FEE AWARD**

Kent Williams, one lawyer among the 25 firms that have comprised plaintiffs' counsel in the AWP litigation, is unsatisfied with the amount of the fee that Class Counsel allocated to him as part of the GSK fee distribution. He has filed a Motion for Court Review of Lead Counsel's Allocation of GSK Fee Award, For Court Monitoring of Class Counsel Time and Expense, and for Court Allocation of All Future Fee Awards to Class Counsel (Dkt. No. 5644). Williams' motion is lengthy and replete with misrepresentations. It requires a comprehensive response, which, under the Court's scheduling rules, is presently due on Friday, November 7. *See LR 7.1(b).*

Class Counsel are diligently preparing for the November 4 argument in the First Circuit Court of Appeals on the three appeals pending from this Court's June 2006 trial verdict, a daunting task given the number of parties, size of the trial record and the breadth of issues on appeal. Class Counsel cannot respond to Williams' motion without diverting them from the critical appellate preparations underway. Indeed, we twice asked Williams to hold his motion

and file it after the November 4 First Circuit hearing. He declined to extend that basic professional courtesy for what would have been only a short delay in filing his motion.

Accordingly, Class Counsel ask that the Court extend the due date to respond to the Williams motion to Friday, November 14, 2008, which would amount to an extension of one week.

DATED: November 3, 2008.

By /s/ Steve W. Berman

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CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **CLASS COUNSEL'S MOTION FOR AN EXTENSION OF TIME IN WHICH TO RESPOND TO KENT WILLIAMS' MOTION FOR COURT REVIEW OF LEAD COUNSEL'S ALLOCATION OF GSK FEE AWARD**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on November 3, 2008, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman